

**United States District Court
for the
Eastern District of Washington**

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Roberto Zaragoza

Case Number: 0980 1:22CR02022-SAB-1

Address of Offender: [REDACTED] Yakima, Washington 98902

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: August 30, 2023

Original Offense: Possession with Intent to Distribute a Mixture or Substance Containing a Detectable Amount of Fentanyl, in violation of 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 553 days
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Todd Swensen Date Supervision Commenced: August 30, 2023

Defense Attorney: Richard A. Smith Date Supervision Expires: August 29, 2026

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number	Nature of Noncompliance
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Mandatory Condition #1: You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Zaragoza is alleged to have violated his conditions of supervised release by being arrested and charged with assault 2nd degree and assault 4th degree, on June 29, 2024.

According to Yakima Police Department (YPD) narrative report number 24Y020090, on June 29, 2024, two victims contacted 911 to report that they had been beaten by five males and one female. YPD officers were dispatched to the Yakima Inn and made contact with one of the reporting victims. The victim informed officers that she was in town for a funeral, had met an individual named "Spooks" through Facebook, and he invited her and a friend to a party at the Yakima Inn. Three hours into the party, a female arrived and began yelling at the two victims, angry that the two were partying with her boyfriend, "Smiley." Smiley and his girlfriend took one of the victims into the bathroom and began to assault her. The YPD officer observed that the victim had a bloody lower lip, and felt two bumps on her head. The victim informed the YPD officer that her friend had been held down by Spooks when she tried to help her, and he threatened to kill her. The two victims managed to escape by screaming loudly, and they were let go. The two victims ran to their vehicle and drove away,

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calling 911 in the process. One victim noted that Smiley had a firearm in the waistband of his pants that he took out, he pointed at them as they ran away, and the others in the room had knives.

YPD officers then spoke with the manager of the hotel, who informed officers that the two victims had been partying at the location for hours, and was aware of a Hispanic male named Smiley residing in the unit. As YPD officers approached the unit, they observed two females exit and walk quickly to a vehicle. One of the victims then yelled out that this was one of the women who had attacked her. When YPD officers frisked the first female, they located a folding knife clipped onto her hip bag. The YPD officer asked the female what her purpose was there, and she replied that the two victims had begun to assault her. Upon receiving the female's birth date and discovering she was a minor, the YPD officer ceased questioning her. The YPD officer then showed the pocket knife to the two victims, and one identified it as the knife held to her chest during the assault. YPD officers then informed the juvenile that she was under arrest and placed her in the backseat of the patrol vehicle.

YPD officers then proceeded to surround the unit and call out for the male suspects to exit, however, no one was inside. YPD officers later confirmed via video footage of the back parking lot which showed several individuals leaving the area in multiple vehicles. One of the victims identified Smiley's vehicle as a black Cadillac ATS with Washington plate number BAP3925. Smiley was identified as a tall, thin, Hispanic male in his late 30s - early 40s, with long hair in a bun, glasses, and tattoos on his arms. A Spillman check of the Washington license plate resulted in two domestic violence incidents involving Roberto Zaragoza, and the booking photograph of Mr. Zaragoza matched the description given by the two victims.

Based on the information above, once Mr. Zaragoza was located, YPD officers found probable cause to charge Mr. Zaragoza with second degree assault and forth degree assault.

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Mandatory Condition #1: You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Zaragoza is alleged to have violated his conditions of supervised release by being arrested and charged with a possession of a firearm, on July 1, 2024.

On July 1, 2024, YPD officers located Mr. Zaragoza and his vehicle at a car wash. YPD officers positively identified Mr. Zaragoza along with an unidentified male. After approaching Mr. Zaragoza inside the car wash stall, YPD officers were able to arrest Mr. Zaragoza without incident. Mr. Zaragoza was handcuffed and placed in the backseat of a patrol vehicle. A short time later, Mr. Zaragoza's girlfriend, Krystalrose Johnson, arrived at the scene and was allowed to speak with Mr. Zaragoza. Mr. Zaragoza informed the YPD officers that Ms. Johnson was there to pick up his son and the vehicle, and stated that YPD officers had the wrong person as "Smiley" is not an alias of his.

A Yakima County Sheriff's Office (YSO) deputy then arrived on the scene with a K-9 to search the vehicle for narcotics and weapons. There was nothing to which the dog alerted, however, based on the report of Mr. Zaragoza brandishing a firearm, there was probable cause to execute a search warrant of the inside of the vehicle. The vehicle was then towed to the YPD Annex and on July 2, 2024, a search warrant was authorized. Upon searching

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the vehicle, a handgun was located in a pouch on the back of the front passenger seat. The handgun was later identified as a Springfield Armory, .45 caliber, semiautomatic handgun, loaded with live ammunition. In the same pouch, YPD officers located a plastic bag containing a powdery substance, which the YPD officer identified as narcotics due to his 17 years of training and experience. The YPD officer identified the white powdery substance as powdered fentanyl.

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Mandatory Condition #1: You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Zaragoza is alleged to have violated his conditions of supervised release by being arrested and charged with a possession of controlled substance fentanyl, on July 1, 2024.

Please refer to narrative found in Violation #2.

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Standard Condition #10: You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).

Supporting Evidence: Mr. Zaragoza is alleged to have violated his conditions of supervised release by being in possession of a firearm on July 1, 2024.

Please refer to narrative found in Violation #2.

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Mandatory Condition #2: You must not unlawfully possess a controlled substance, including marijuana, which remains illegal under federal law.

Supporting Evidence: Mr. Zaragoza is alleged to have violated his conditions of supervised release by being arrested and charged with a possession of controlled substance fentanyl, on July 1, 2024.

Please refer to narrative found in Violation #2.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 3, 2024

s/Kyle Mowatt

Kyle Mowatt
U.S. Probation Officer

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THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

7/3/2024

Date